

## Letter to solicitor concerning GRA restrictions

Thanks to Press for Change for this sample text

“Dear Ms. Solicitor,

Thank you for the very useful discussion today, and the very helpful advice you gave me.

I am writing just to confirm a few points :

... (put here whatever other matters you need to confirm - for example, confirming the quote of approximate costs they should have given you for the work they are going to do for you. Despite that being obligatory very few people get such a quote without a battle and even then often long after the matter has gone way over your budget. So if you haven't received such a quote it is a good idea to use the section to politely ask for one) ....

Finally, I would like to confirm the discussion we had about my gender identity status. To remind you, s.22 of the Gender Recognition Act 2004 makes it a strict liability offence for you to disclose to any third party, including office staff, the fact that I have a gender recognition certificate without my express permission to do so. This includes you doing anything that would lead them to believe that I am a trans man / woman or that I have such a certificate. I am now a man/woman for all legal purposes including your pursuance of this matter for me.

From advice given it is also clear that disclosure under s.22.4(e) i.e. where allowed for the ‘purposes of instituting, or otherwise, proceedings before a court or tribunal’ does not apply in relationship to our agreement for the purposes of your representation of myself. Section 22.4(e) would only allow disclosure by those who are not representing myself. Even then it is likely the courts would hold that such disclosure must only be made when it is necessary and relevant and not for the purposes solely of causing me embarrassment. For example, the pursuance of a civil liability where I now claimed the children of a former marriage were not mine, or necessary in the pursuance of a criminal conviction where the offence may have been committed in my former name, or was in some other way relevant.

As we agreed, if you find that such disclosure is to be made by the other side, then by this letter I am confirming my instruction to you to immediately seek permission from the court for reporting restrictions to be made as regards my former and current name. As an extremely confidential part of my medical history, and where disclosure may put my property, even life, at risk from harm by such others who harass or are violent towards trans people, in almost all cases where requested the courts have allowed anonymity recognising that justice would not be served if the trans person felt it was too embarrassing or too unsafe to attend the court.

I am sensible and realise secrecy is neither desirable or possible in most cases, but we do know of several circumstances where solicitor/client relationships have badly soured because of a lack of clarity in these matters and which in several cases have led to police investigations or complaints being upheld by the Legal Complaints Service. On the whole I rather we didn't end up taking that route.

So, as we agreed today, you will promptly draft an appropriate letter detailing the circumstances in which, and including a list of names to whom you may have to disclose this matter further on a need to know basis, along with your firm's commitment to ensuring such staff know why it is so important that this matter is not for further disclosure. Only then will I feel able to expressly agree to disclosure within these limits. I look forward to receiving your letter (and details in relation to my other questions above). Should you need any further information, please do not hesitate to contact me.

Yours sincerely

Max/Mary"